

08/06-07

A

Docket No. 4159-4003US2



27123

PATENT TRADEMARK OFFICE

Express Mail No. EL762622123US

08/03/01  
Jc658 U.S. PTO

↑AFFIX CUSTOMER NO. LABEL ABOVE ↑

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

UTILITY APPLICATION AND FEE TRANSMITTAL §(1.53(b))

Commissioner for Patents  
**Box Patent Application**  
Washington, D.C. 20231

J1046 U.S. PTO  
09/921534  
08/03/01

Sir:

Transmitted herewith for filing is the patent application of

Inventor(s) names and addresses:

(1) Richard B. Himmelstein

(2)

☐ Additional inventors are listed on a separate sheet

For: Electronic Batering System

Enclosed Are:

57 page(s) of specification  
1 page(s) of Abstract  
2 page(s) of claims  
20 sheets of ☐ Formal ☒ Informal drawings  
6 page(s) of Declaration and Power of Attorney

- ☐ Unsigned  
☒ Newly Executed  
☒ Copy from prior application  
☐ Deletion of inventors including Signed Statement under 37 C.F.R. §1.63(d)(2)

☐ **REQUEST AND CERTIFICATION UNDER 35 U.S.C. §122(b)(2)(B)(i) (form PTO/SB/35)**

As indicated on the attached Request and Certification, Applicant(s) certify that the invention disclosed in the attached application HAS NOT and WILL NOT be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. Applicant(s) therefore request(s) that the attached application NOT be published under 35 U.S.C. §122(b).

☒ **Incorporation by Reference:**

- ☒ The entire disclosure of the prior application, from which a copy of the combined Declaration and Power of Attorney is supplied therein, is considered as being part of the disclosure of the accompanying application and is incorporated herein by reference.

☐ **Deletion of Inventors (37 C.F.R. §1.63(d) and §1.33(b))**

Signed statement attached deleting inventor(s) named in the prior application serial no. .  
\_\_\_\_\_, filed \_\_\_\_\_.

☐ **Microfiche Computer Program (Appendix)**

- ☐ page(s) of Sequence Listing  
☐ computer readable disk containing Sequence Listing  
☐ Statement under 37 C.F.R. §1.821(f) that computer and paper copies of the Sequence Listing are the same

☐ **Assignment Papers (assignment cover sheet and assignment documents)**

- ☐ A check in the amount of \$40.00 for recording the Assignment  
☐ Charge the Assignment Recordation Fee to Deposit Account No. 13-4500, Order No. \_\_\_\_\_.  
☐ Assignment Papers filed in the parent application Serial No. ....

☐ **Certification of chain of title pursuant to 37 C.F.R. §3.73(b)**

☐ **Priority is claimed under 35 U.S.C. §119 for:**  
 Application No(s). \_\_\_\_\_, filed \_\_\_\_\_, in \_\_\_\_\_ (country).

☐ **Certified Copy of Priority Document(s) [\_\_\_\_\_]**

- ☐ filed herewith  
☐ filed in application Serial No. \_\_\_\_\_, filed \_\_\_\_\_.

☐ **English translation document(s) [\_\_\_\_\_]**

- ☐ filed herewith  
☐ filed in application Serial No. \_\_\_\_\_, filed \_\_\_\_\_.

☒ **Priority is claimed under 35 U.S.C. §119(e) for:**  
 Provisional Application Nos. 60/161,318, filed 10/25/1999, 60/153,142, filed 09/09/1999  
 and 60/147,243 filed 08/05/1999.

- ☐ Information Disclosure Statement
- ☐ Copy of [\_\_\_\_\_] cited references
- ☐ PTO Form-1449
- ☐ References cited in parent application Serial No. \_\_\_\_\_, filed \_\_\_\_\_.
- ☒ Related Case Statement under 37 C.F.R. §1.98(a)(2)(iii)
- ☒ A copy of related pending U.S. Application(s) Serial No(s): 09/454,035, filed December 3, 1999, respectively, is attached hereto.
- ☐ A copy of related pending U.S. Application(s) entitled, \_\_\_\_\_, filed \_\_\_\_\_ to inventor(s) \_\_\_\_\_, respectively, is attached hereto.
- ☐ A copy of each related application(s) was submitted in parent application serial no. \_\_\_\_\_, filed \_\_\_\_\_.
- ☒ Preliminary Amendment
- ☒ Return receipt postcard (MPEP 503)
- ☒ This is a ☐ continuation ☒ divisional ☐ continuation-in-part of prior application serial no. 09/454,035, filed December 3, 1999, to which priority under 35 U.S.C. §120 is claimed.
- ☒ Cancel in this application original claims 1-27 of the parent application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
- ☒ A Preliminary Amendment is enclosed. (Claims added by this Amendment have been properly numbered consecutively beginning with the number following the highest numbered original claim in the prior application).
- ☒ The status of the parent application is as follows:
- ☐ A Petition for Extension of Time and a Fee therefor has been or is being filed in the parent application to extend the term for action in the parent application until \_\_\_\_\_.
- ☐ A copy of the Petition for Extension of Time in the co-pending parent application is attached.
- ☒ No Petition for Extension of Time and Fee therefor are necessary in the co-pending parent application.
- ☐ Please abandon the parent application at a time while the parent application is pending or at a time when the petition for extension of time in that application is granted and while this application is pending has been granted a filing date, so as to make this application co-pending.
- ☐ Transfer the drawing(s) from the parent application to this application
- ☒ Amend the specification by inserting before the first line the sentence:  
This is ☐ continuation ☒ divisional ☐ continuation-in-part of co-pending application Serial No. 09/454,035, filed December 3, 1999.

09/454,035-000301

I. CALCULATION OF APPLICATION FEE				
	Number Filed	Number Extra	Rate	Basic Fee \$710.00/355.00
Total Claims	25- 20 =	5	\$18.00/ \$9.00	\$45.00
Independent Claims	6- 3 =	3	\$80.00/ \$40.00	\$ 120.00
<input checked="" type="checkbox"/> Multiple Dependent Claims		If marked, add fee of \$270.00 (\$135.00)		\$ 135.00
TOTAL:				\$ 655.00

- ☒ Small entity status is or has been claimed. Reduced fees under 37 C.F.R. §1.9 (f) paid herewith \$655.00.
- ☒ A check in the amount of \$655.00 in payment of the application filing fees is attached.
- ☐ Charge fee to Deposit Account No. 13-4500, Order No. \_\_\_\_\_. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required for filing this application pursuant to 37 CFR §1.16, **including all extension of time fees pursuant to 37 C.F.R. § 1.17 for maintaining copendency** with the parent application, or credit any overpayment to Deposit Account No. 13-4500, Order No. 4159-4003US2. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Respectfully submitted,  
MORGAN & FINNEGAN, L.L.P.

Dated: August 3, 2001

By: \_\_\_\_\_

Walter G. Hanehuk  
Registration No. 35,179

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.  
345 Park Avenue  
New York, NY 10154-0053  
(212) 758-4800 Telephone  
(212) 751-6849 Facsimile

Applicant(s):	Richard B. Himmelstein	Group Art Unit:	TBA
Divisional of Serial No.:	09/454,035	Examiner:	TBA
Filed:	August 3, 2001		
For:	Electronic Bartering System		

## EXPRESS MAIL CERTIFICATE

Express Mail Label No. EL762622123USDate of Deposit August 3, 2001

I hereby certify that the following attached paper(s) and/or fee Utility Application and Fee Transmittal (enclosing a copy of a previous filed parent application 57 pages of specification, one page of abstract, 9 pages of claims and 20 sheets of informal drawings); Preliminary Amendment; a check in the amount of \$655.00; Change of Correspondence Address; a copy of previous filed Declaration (1 page); a copy of newly executed Combined Declaration of Power of Attorney (6 pages) and Return Postcard is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

Vivian Zhang  
(Typed or printed name of person mailing paper(s) and/or fee)

(Signature of person mailing  
paper(s) and/or fee)

**CORRESPONDENCE ADDRESS:**  
**MORGAN & FINNEGAN, L.L.P.**  
345 Park Avenue  
New York, New York 10154  
(212) 758-4800  
(212) 751-6849 Facsimile

FORM: EXP-MAIL.NY  
Rev. 05/27/98

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Richard B. Himmelstein  
Group Art Unit: 2768  
Divisional of Serial No.: 09/454,035  
Examiner: TBA  
Filed: August 3, 2001  
For: Electronic Bartering System

Commissioner for Patents  
Washington, D.C. 20231

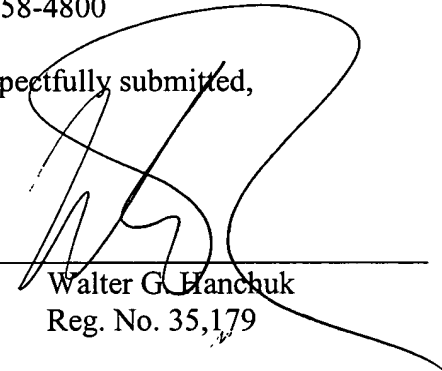
**CHANGE OF CORRESPONDENCE ADDRESS**

Please change the mailing address for all correspondence in the above-identified application to:

Walter G. Hanchuk  
Morgan & Finnegan, LLP  
345 Park Avenue  
New York, NY 10154  
Tel. No. (212) 758-4800

Respectfully submitted,

Date: August 3, 2001

By   
Walter G. Hanchuk  
Reg. No. 35,179



27123

PATENT TRADEMARK OFFICE

09/454,035-14EST2660



0360

PATENT

Docket No. 4159-4003US2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Richard B. Himmelstein  
Serial No. : 09/921,534  
Filed : August 3, 2001  
For : ELECTRONIC BARTERING SYSTEM

CERTIFICATE OF MAILING (37 C.F.R. 1.8a)

COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

Sir:

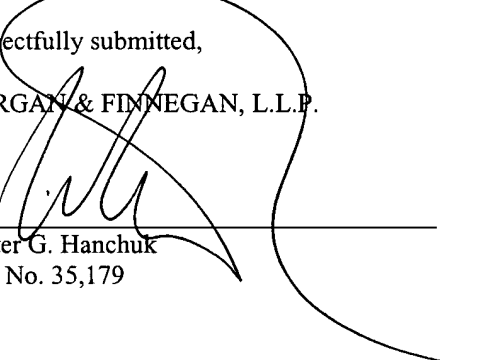
I hereby certify that the attached Letter to Official Draftsperson (enclosing formal drawings Figs. 1-9BB);Return Post Card

along with any paper(s) referred to as being attached or enclosed and this Certificate of Mailing are being deposited with the United States Postal Service on date shown below with sufficient postage as first-class mail in an envelope addressed to the: Commissioner for Patents, Washington, D.C. 20231.

Respectfully submitted,

MORGAN &amp; FINNEGAN, L.L.P.

Dated: October 12, 2001

By:   
Walter G. Hanchuk  
Reg. No. 35,179

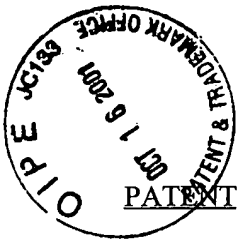
CORRESPONDENCE ADDRESS:  
MORGAN & FINNEGAN LLP  
345 Park Avenue  
New York, New York 10154  
(212) 758-4800  
(212) 751-6849 Facsimile

FORM: CERT..NY  
Rev. 05/27/98



27123

PATENT TRADEMARK OFFICE



Docket No. 4159-4003US2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant (s): Richard B. Himmelstein  
Serial No.: 09/921,534  
Filing Date: August 3, 2001  
For: **ELECTRONIC BARTERING SYSTEM**

LETTER TO OFFICIAL DRAFTSPERSON

Commissioner For Patents  
Washington, D.C. 20231  
**Attn: OFFICIAL DRAFTSMAN**

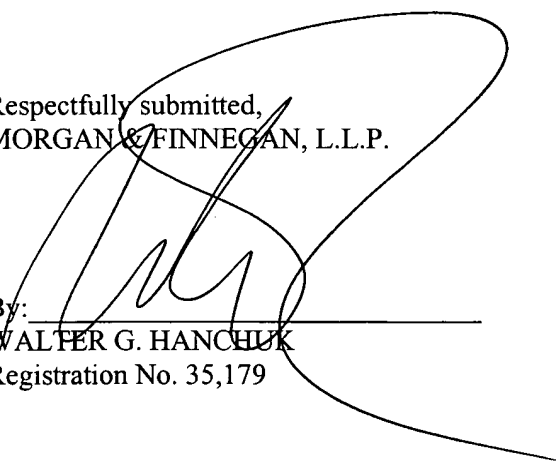
Sir :

Enclosed herewith are twenty (20) sheets of formal drawings (Figs. 1-9BB) for the above-referenced application.

The Commissioner is hereby authorized to charge any additional fees which may be required by this paper, or credit any overpayment to Deposit Account No. 13-4500, Order No. 4159-4003US3. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Respectfully submitted,  
MORGAN & FINNEGAN, L.L.P.

Dated: October 12, 2001

By:   
WALTER G. HANCHUK  
Registration No. 35,179

Mailing Address:  
MORGAN & FINNEGAN, L.L.P.  
345 Park Avenue  
New York, New York 10154  
(212) 758-4800  
(212) 751-6849 (FAX)